

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

RENE GATO,

Petitioner,

v.

STATE OF NEVADA, *et al.*,

Respondents.

Case No. 3:24-cv-00236-MMD-CSD

ORDER

Pro se Petitioner Rene Gato has filed a Petition for Writ of Habeas Corpus under 28 U.S.C. § 2254, an incomplete motion for leave to proceed *in forma pauperis* (“IFP”), a motion for appointment of counsel, and a motion for a hearing. (ECF Nos. 1, 1-1 (“Petition”), 1-3, 1-4.)

Under 28 U.S.C. § 1914(a) and the Judicial Conference Schedule of Fees, a \$5.00 filing fee is required to initiate a habeas action in a federal district court. The Court may authorize an indigent prisoner to begin a habeas action without paying the \$5 fee if he or she submits an IFP application on the approved form and includes three specific documents: (a) the prisoner’s financial declaration and acknowledgement showing an inability to prepay fees and costs; (b) a financial certificate signed by the prisoner and an authorized prison official; and (c) a copy of the prisoner’s account statement for the six-month period prior to filing. 28 U.S.C. § 1915(a); LSR 1-1, LSR 1-2. Although Gato filed an IFP application and acknowledgement, he has not included a financial certificate or his account statement. (See ECF No. 1.) Gato has until July 19, 2024 to either pay the \$5 filing fee or submit his missing IFP application documents.


It is therefore ordered that the initial screening of Petitioner Rene Gato’s Petition for Writ of Habeas Corpus (ECF No. 1-1) under the Rules Governing Section 2254 Cases

1 and consideration of his motions are deferred until such time as he has fully complied
2 with this Order.

3 It is further ordered that on or before July 19, 2024, Gato must file his financial
4 certificate and account statement *or* pay the \$5 filing fee. Gato's failure to timely comply
5 with this Order will result in the dismissal of the Petition without prejudice and without
6 further advance notice.

7 It is further ordered that the Clerk of Court send Gato a blank copy of the IFP
8 application form for inmates along with instructions.

9 DATED THIS 20th Day of June 2024.

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13 MIRANDA M. DU
14 CHIEF UNITED STATES DISTRICT JUDGE
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